RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Ag. Director of Public Instruction*): I do not propose to reply to the observations made by Mr. D. C. Joseph. The House is aware of the amount provided originally in the Budget. Due to unavoidable causes it was not possible to give effect to the wishes of the House. I only come for a supplementary grant and request the House to accept it and carry out its original intention.

PRESIDENT: Do you press your objection?

MR. D. C. JOSEPH (*Agastisvaram*): I withdraw my objection.

The motion was put and the demand was granted.

LEGISLATION.

AMENDMENT TO RULE UNDER CIVIL PROCEDURE CODE.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, before I move the introduction of the two Bills which are in the Agenda for today, I wish to move the final reading of the Amendment to Rule 21, Order 40, to the Schedule to the Civil Procedure Code. It is not in the list of business for today and I therefore beg your leave, Sir, to make the motion under Standing Order No. 7.

PRESIDENT: You may do so.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no amendments to propose in regard to the Rule and I now formally move that the amendment to Rule 21 of Order 40 in the Schedule to the Civil Procedure Code as settled by this Council be passed.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I second it.

PRESIDENT: I take it that the House accepts the motion.

The motion was put and carried.

THE REVENUE SUMMONS REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to introduce a Bill to amend the Revenue Summons Regulation V of 1063, as amended by Regulation V of 1099. The Bill has been published in the Gazette with a statement of objects and reasons and I now beg to move that the Bill be read in Council.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I second it.

The motion was put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I shall now explain briefly the principle involved in the Bill. It will be seen from the Revenue Summons Regulation that it authorises specifically certain officers of the Land Revenue Department, namely, the Land Revenue Commissioner, the Peishkars and the Tahsildars to issue summons and to punish the person summoned if he does not appear. This is Section 1 of the Regulation. The Regulation authorises also, by Section 10, the issue of a notification by Government empowering any other officer to issue summons and likewise to empower

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kayalam Parameswaran Pillai.]

him to award punishment for disregard of the summons. In respect of these orders of punishment appeals may be necessary and provision is made for it in Section 7 of the Regulation which as it now stands runs as follows:—

"Any person aggrieved by an order passed against him, either in the first instance or in appeal, may appeal to the Officer to whom the Officer passing the order is immediately subordinate, within thirty days from the date of service of the notice referred to in Section 6.

Explanation—For the purposes of this Section, a Tahsildar is immediately subordinate to a Division Peishkar, a Division Peishkar to the Land Revenue and Income Tax Commissioner, and the Land Revenue and Income-Tax Commissioner to the Dewan".

This explanation obviously refers to appeals against the orders passed by the Land Revenue Officers specifically mentioned in Section 1 and the body of the Section to appeals generally. But as regards officers who may be empowered by Government to issue summons and to punish the recalcitrants, what Section 10 now says is that the Government may authorise any officer to be the appellate authority in respect of the orders passed by the officers who have been so empowered to issue summons and punish. Having regard to the provisions in Section 7 and in Section 10 it has been felt that some conflict is possible. It would be seen from Section 7 that the principle that is accepted therein is that the appellate authority is the person who is immediately superior to the officer who passes an order. But Section 10 authorises Government to appoint *any* person to be the appellate authority so that if the Government appoint a Division Assistant to be the appellate authority of, say, an Assistant Tahsildar it may very well be questioned whether he is the immediate superior of the Assistant Tahsildar. If such a question is raised the point will arise whether the express provision of Section 7 should be applied and a decision arrived at as to who is the immediate superior or the provisions of Section 10 which empowers Government to appoint any person as the appellate authority should be applied. Similarly, if, say, a Range officer is given power to issue summons and punish persons who fail to appear, the appellate authority has to be appointed by Government and if the Government do it the question may yet arise whether the principle accepted by Section 7 should operate or the Government appointment should operate. For instance, if the Conservator of Forests is appointed as the appellate authority over the Range Officer, it may very well be done under Section 10. But the question may arise whether that action of Government is right and whether the D. F. O. is not the legal appellate authority because of the fact that he is the *immediate* superior of the Range Officers. It has therefore been felt that it would be expedient to rearrange these two Sections in a clear manner. So, I have proposed in this Bill to maintain the principle that the immediate superior officer is the appellate authority but that power should be taken by Government to declare who that immediate superior authority is.

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I have also amended Section 10 *inter alia* by adding an explanation that the provisions of Section 7 will operate even in regard to those officers who are empowered to issue summons under that Section.

No new principle is really involved in this Bill and I hope the House will accept the Bill.

MR. A. THANU PILLAI (*Trivandrum*): Sir, while accepting the principle of the Bill I wish merely to refer to one circumstance which though it may not appear very important in itself has, I think, to be scrutinised. The learned Law Member in the Bill puts in a clause *i. e.*, Clause 3 to this effect;

"In Section 8 of the said Regulation, the word 'reverse' shall be substituted for the word 'revise'."

He evidently assumes that the word "revise" is in the existing Regulation. But I find that already the word "reverse" is in the Regulation. The word 'revise' in the publication recently issued is a mistake. It is surprising that the authorised publication of the Statutes should have misled the Law Member, and made him commit an error like this. The word is 'reverse' in the older authorised publication.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May not that be wrong?

MR. A. THANU PILLAI (*Trivandrum*): Does the Law Member tell me that it is wrong?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, I shall reply.

MR. A. THANU PILLAI (*Trivandrum*): If the wording in the authorised publication is wrong, I would only bring to the notice of Government the grave danger that may result from such mistake. With these words I support the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I think I must in reply say one word with regard to the observation made by Mr. Thanu Pillai. The authorised publication of a Regulation is the Gazette publication and I may assure my friend Mr. Thanu Pillai and the House that my sense of duty to this House compelled me to refer to that publication. The Gazette publication contains the word 'revise', and not "reverse". As for the latest publication of Regulations referred to by Mr. Thanu Pillai, it really does add to the merit of that publication because that has copied exactly out what is contained in the Gazette and put the word "revise".

The question was put and carried.

MR. T. P. RAMASUBBA AIYAR (*Secretary to the Legislative Council*): I beg to read the title of the Bill. "The Revenue Summons Regulation Amendment Bill."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill be referred to a Select Committee

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kayalam Paramesvaran Pillai.]

consisting of the following gentlemen to submit its report within three months;

Mr. A. Thanu Pillai.
" Matthew Murikkan.
" G. P. Nilakanta Pillai.
" N. R. Krishnan.
" R. Raman Pillai.
" T. P. Ramasubba Aiyar.
" S. C. H. Robinson, and myself.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): I second it.

PRESIDENT: I take it that the House accepts the motion. I appoint Mr. Robinson as the President of the Committee.

THE LAND CONSERVANCY REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to amend the Land Conservancy Regulation. It has been published in the Gazette and circulated amongst the members and I now move that the Bill be read in Council.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): I second it.

The question was put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall now explain briefly the principle involved in this Bill. The Bill relates to an amendment of Section 14 of the Land Conservancy Regulation which relates to the appeal and revision powers in respect of orders passed under the Regulation. It will be noticed from that Section that in respect of the orders passed by the Division Peishkar under the Regulation the appellate authority is the Dewan. I propose to modify that by substituting the Land Revenue Commissioner as the appellate authority. The House is aware that it is some time since the Land Revenue Department has been organised and co-ordinated, with the Land Revenue Commissioner as its head. It is therefore only proper that he should be the appellate authority against the orders of Peishkars, as he is already in other respects. In regard to an order passed by the Peishkar under the Revenue Summons Regulation, for instance, the appellate authority is the Land Revenue Commissioner and not the Dewan. So also is the case with regard to the orders passed under the Puduval Rules. If a Peishkar fixes *taravila* under the Puduval Rules the appellate authority against that order will be the Land Revenue Commissioner and not the Dewan. So in all these revenue matters it is the Commissioner that is the appellate authority and not the Dewan. To co-ordinate all these things and to have an orderly arrangement, it is proposed to make the Revenue Commissioner the appellate authority against the orders of the

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